

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

TESTIMONY OF

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NATIONAL MARINE FISHERIES SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

DEPARTMENT OF COMMERCE

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COMMITTEE ON RESOURCES

U.S. HOUSE OF REPRESENTATIVES

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Mr. Chairman, members of the Subcommittee, I am Dr. Gary Matlock, Director of the Office of Sustainable Fisheries of the National Marine Fisheries Service (NMFS). Thank you for the opportunity to testify on the reauthorization of the Yukon River Salmon Act, the Fishermen's Protective Act of 1967, and the Intergovernmental Consultative Committee Agreement Between the Government of the United States and the Government of the USSR on Mutual Fisheries Relations of May 31, 1988. NMFS supports reauthorization of the two laws and the extension of the Agreement.

Yukon River Salmon Act

The Yukon River supports an international fishery. Alaskan fishermen share the utilization of chinook and fall chum salmon stocks that spawn in Canada, as well as the requirements for conservation with Canadian fishermen living in the Yukon Territory. Since 1985, the United States and Canada have been negotiating an agreement for the conservation of Yukon River salmon stocks originating in Canada. A decade of negotiations resulted in the signing of an Interim Agreement in 1995, while long-term negotiations continue. The signing of the Interim Agreement was an historic event, implementing those provisions that the two countries had been able to agree upon to date. One of those provisions was the establishment of the Yukon River Panel. The 12-member panel, composed of six members from each country, is charged with developing cooperative research and management programs for Yukon River salmon stocks, identifying potential restoration and enhancement opportunities, and making recommendations to management entities concerning salmon conservation. Additionally, a Yukon River Restoration and Enhancement Fund was created to fund projects in the United States and Canada.

Unfortunately, the Interim Agreement lapsed at the end of 1997. Canada had expressed its desire to make more progress on long- term issues and did not extend the Interim Agreement. Despite the absence of a formal agreement between the United States and Canada concerning Yukon River salmon, the two countries continue to maintain close communication and coordination. This continued cooperation was evident this past summer when lower than expected returns of chinook and chum salmon to the Yukon resulted in severe economic hardship for fishermen and subsistence users in both countries. Extreme pressures were placed on managers on both sides of the river, but communication remained open and no criticism was levied against either side that conservation was circumvented for political or economic reasons. Changing climate and ocean conditions appear to have impacted salmon survival. In light of these aberrations in the marine environment and its impact on people, institutions such as the Yukon River Panel become even more important to secure U.S. objectives on the Yukon River.

The National Marine Fisheries Service believes the Yukon River Panel process has been a useful instrument and supports reauthorization of the Yukon River Salmon Act in order to continue to provide a forum for achieving U.S. objectives for management of Yukon River salmon.

Fishermen's Protective Act

The Department of Commerce's role in the Fishermen's Protective Act is currently limited to Section 8, which is commonly known as the Pelly Amendment. Under this section, when the Secretary of Commerce determines that nationals of a foreign country are conducting fishing operations which diminish the effectiveness of an international fishery conservation program, the Secretary of Commerce shall certify such fact to the President. Certification under the Pelly Amendment authorizes, but does not require, the President to prohibit imports from the certified nation.

The United States has used these laws as part of our efforts to persuade several nations, including Japan, Norway, Russia and Iceland, to adhere to the conservation Program of the International Whaling Commission. The National Marine Fisheries Service supports reauthorization of this Act.

Agreement on Mutual Fisheries Relations

The United States and the Russian Federation maintain the bilateral Intergovernmental Consultative Committee (ICC) fisheries forum pursuant to the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics (now the Russian Federation) on Mutual Fisheries Relations (hereinafter referred to the Comprehensive Fisheries Agreement), signed on May 31, 1988. The ICC is responsible for furthering the objectives of this fisheries agreement, specifically to maintain a mutually beneficial and equitable fisheries relationship between the two countries.

The importance of some of the objectives of the Comprehensive Fisheries Agreement, such as the reciprocal allocation of surplus fishery resources and the establishment of fishery joint ventures, has diminished as the U.S. fisheries relationship with the Russian Federation has matured and U.S. fishery resources have become fully "americanized." However, other objectives, such as promotion of cooperative scientific research, coordinated management, data and information exchanges, as well as cooperation on enforcement matters, have greatly increased in importance.

As a vehicle for the bilateral exchange of ideas and viewpoints on mutual fisheries issues, the Comprehensive Fisheries Agreement has been very successful. It is, in fact, the "only game in town." The

inaugural meeting of the ICC was held in Washington, D.C., February 6-10, 1989. Since that meeting, initiatives leading to two new multilateral international conventions designed to address major fisheries conservation problems in the North Pacific and associated seas have emerged from the ICC process. The Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean brought the end to the last legal high seas salmon fishery in the world, a major objective of the United States. It also included in one regime all of the major salmon-producing countries of the Pacific rim. The ICC was instrumental in the development of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, also known as the "Donut Hole" Convention. The "Donut Hole" Convention, which entered into force on December 8, 1995, created a forum whereby the six Parties to the Convention discuss research, management, and enforcement issues in anticipation of an eventual resumption of commercial pollock fishing in the Central Bering Sea, once pollock resources there have sufficiently recovered.

Today, the United States is facing a number of global fisheries challenges that will require continued close cooperation and coordination with the Russian Federation. These include ensuring that the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Agreement to Promote Compliance With Conservation and Management Measures by Fishing Vessels on the High Seas, and the FAO Code of Conduct for Responsible Fisheries are globally implemented. The Comprehensive Fisheries Agreement provides the appropriate forum for this critical cooperation.

On the more pragmatic side, the Comprehensive Fisheries Agreement functions as a "governing international fisheries agreement" pursuant to Section 201(c) of the Magnuson-Stevens Fishery Conservation and Management Act. It provides U.S. enforcement officials the authority to board and inspect, and if necessary, take appropriate enforcement action against Russian vessels intercepted in U.S. waters. Although there are currently no U.S.-Russian joint venture processing operations taking place in U.S. waters, the Agreement is a prerequisite for such ventures. This includes internal waters joint venture processing, as well. The Agreement is the umbrella authority for cooperation in the conduct of scientific research, both within and outside the exclusive economic zones of the United States and Russia.

The Comprehensive Fisheries Agreement has been extended twice, for 5 years each time, through an exchange of notes between the United States and the Russian Federation. I concur with the Department of State's recommendation to extend it for another 5 years, to expire on December 31, 2003. The Russian Federation completed the internal procedures necessary to extend the agreement on November 23, 1998. I urge Congress not to delay U.S. approval of the extension.

Mr. Chairman, thank you again for the opportunity to testify before the Subcommittee. I would be happy to respond to any questions you may have.

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